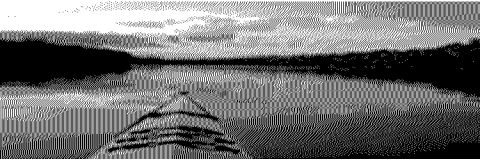


From: Mary Grady/DC/USEPA/US
Sent: 5/16/2011 8:50:07 AM
To: Steven Neugeboren/DC/USEPA/US@EPA
CC:
BCC: Cynthia Giles-AA/DC/USEPA/US
Subject: Water Law News for May 16, 2011



WATER LAW NEWS
MAY 16, 2011

BNA, Inc.

Daily Environment

REPORT

HIGHLIGHTS

Climate Change
IPCC Adopts Policies on Governance, Conflict of Interest, Scientific Uncertainty
The Intergovernmental Panel on Climate Change May 13 adopted new policies aimed at addressing concerns over how the panel operates and prepares its assessment reports on climate change....

Drinking Water
Inhofe Bill to Bar EPA From Enforcing Drinking Water Rules at Small, Rural Utilities
Republican senators plan to introduce a bill May 16 that would bar the Environmental Protection Agency from enforcing federal drinking water standards at small water utilities that do not have the funds to comply....

Drinking Water
Water Association Wants EPA to Expand Research on Partially Replaced Lead Lines
Concerned about the lack of data on factors leading to high lead levels in drinking water, the American Water Works Association has urged a Science Advisory Board panel to recommend that the Environmental Protection Agency conduct more research...

Drinking Water
Court Says Expert's Diagnosis in Cancer Case Failed to Address Benzene Exposure Level
A causation expert's differential diagnosis was properly excluded in a toxic tort case because it failed to reliably rule in benzene exposure as the cause of a plaintiff's cancer, a federal appeals court ruled May 12 (Pluck v. BP Oil...

Oil Spills
U.S.-Canadian Task Force Recommends 111 Changes to Address Border-Area Spills
ANCHORAGE, Alaska A report issued by the Pacific States-British Columbia Oil Spill Task Force makes 111 recommendations to improve coordination by entities responding to oil spills near the Alaska-Canada border or Canada-Washington...

Water Pollution
Alaska Regulators Seek One-Year Delay In Transfer of Water Permitting Authority
ANCHORAGE, Alaska The Alaska Department of Environmental Conservation has requested a one-year delay in assuming authority over wastewater permitting for the oil and gas industry, launching a review process aimed at revising a...

Water Pollution
Discharge Permit Issued for San Diego Fireworks
LOS ANGELES The San Diego Regional Water Quality Control Board May 11 issued a National Pollution Discharge Elimination System permit for shows that discharge fireworks over any body of water under its jurisdiction. The plan sets...



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EPA Crafting Guide To Turn Narrative Nutrient Criteria Into Numeric Limits
EPA is crafting guidance to advise states on how to turn narrative water quality criteria for nutrients that most states rely on into strict numeric permit limits an interim approach that the agency recently began pushing states to implement while they struggle to craft their own numeric criteria.

EPA Rejects Studies Claiming Reliability 'Train Wreck' From Utility Rules
EPA is pushing back against a number of studies that find the agency's pending air, water and waste rules for power plants is a train wreck of regulations that will shutter utilities and cause electricity grid reliability problems, with a top agency official countering that there is a train wreck of analyses that vastly overstate the rules' impacts.

Latest Blogs

Watchdog Pushes EPA Transparency
OMB Watch, a government watchdog group, is urging EPA and the Obama administration to expand public access to environmental data and safety information, outlining a . . .



OIL AND GAS: Baffled about fracking? You're not alone (05/13/2011)http://adserver.eenews.net/www/delivery/ck.php?oaparams=2_bannerid=1084_zoneid=87_source=spotlight_cb=d777d84b5c_oadest=http://summer.narucmeetings.org
Mike Soraghan, E&E reporter

Hydraulic fracturing, or "fracking," got a clean bill of health this week in the first scientific look at the safety of the oil and production practice.

But the headlines about the study did not always reflect that. Many, such as "Scientific Study Links Flammable Drinking Water to Fracking," pointed toward the fracturing process as a culprit. Even the press release accompanying the study was titled "Hydrofracking Changes Water Wells."

Confused? Many people are, even some in the thick of the debate.

The problem is that "fracking" means different things to different people.

People in the oil and gas industry commonly say "fracking" to describe just one part of the whole gas exploration and production process. Chemical-laced water and sand are blasted underground to break apart rock and release gas. Purists would say it is not really even part of "drilling" but actually the "completion" phase.

"Fracking and drilling are not the same thing," said University of Houston engineering professor Michael Economides, who consults for drillers on fracturing. "We drill wells. Then we frack."

But to many outsiders, particularly industry critics, fracking and drilling are the same thing. Advances in fracturing technology made possible the current shale gas drilling boom, so they have taken to lumping all shale gas production under the banner "fracking," deeming it a new form of natural gas drilling.

The study released this week, done by scientists at Duke University, suggested that gas drilling causes methane gas to leak into people's water and sometimes their homes (*Greenwire*, May 9). But methane contamination is not caused by injecting chemicals down the well. It is caused by bad well construction during drilling.

"The hot-button issue is fracking," said Robert Jackson, the Duke professor who authored the study, in an interview. But, he said, "I believe it's more about the drilling than the fracking."

Both drilling critics and supporters use the confusion to their advantage. The result is that the two sides often talk past one another when discussing the environmental consequences of oil and gas production from shale formations.

Drilling companies have repeatedly assured Congress, and whoever else asks, that there has never been a "proven" instance of hydraulic fracturing contaminating groundwater (*E&ENews PM*, May 6).

That denial infuriates critics who can point to numerous fines and penalties issued by regulators against shale drilling companies for contaminating drinking water with methane and for spilling toxic fracturing chemicals into streams near drill sites.

But by the definition of industry, along with most everyone who followed oil and gas issues before the current shale drilling boom, fracturing didn't cause those problems.

That is because the companies are saying, specifically, that no one has ever proven that hydraulic fracturing fluid rises up a mile or so from the production zone, through layers of rock, to pollute drinking water aquifers.

They rarely, if ever, clarify that regulators have repeatedly linked water contamination and other environmental problems to other aspects of drilling.

For example, a well blowout during fracturing last month in Pennsylvania, sent fluid to a nearby stream, threatening surface water, not groundwater (*Greenwire*, May 4). And a well-known contamination case in Dimock, Pa., involved methane -- not fracturing fluid -- in local water wells (*Greenwire*, Dec. 16, 2010).

Environmentalists and other industry critics consider this distinction to be nothing more than word games concocted by oil and gas lobbyists. Whatever you call it, they say, gas production is fouling air and water.

"When they confine their definition to the single moment of the underground fracturing -- a part of the process that has never been investigated -- they can legally deny the obvious," wrote Josh Fox, director of the anti-drilling documentary "Gasland," in a rebuttal to industry criticism of his film.

"Very tricky wording," Fox wrote, "which belies the real truth. Quite deliberately."

Federal exemption

Spills and methane contamination fall under existing state and federal regulations. Fracturing, by contrast, received a specific exemption from the Safe Drinking Water Act from a Republican Congress and then-President George W. Bush in the 2005 energy bill.

Environmentalists and some congressional Democrats want to reverse that exemption under legislation called the "Fracturing Responsibility and Awareness of Chemicals Act," or FRAC Act.

The safety of the fracturing process itself has been challenged. But industry and regulators have dismissed them as unsubstantiated.

The additives in fracturing fluids can contain toxins like benzene or 2-Butoxyethanol, commonly called 2-BE, a toxic solvent. They are a tiny fraction of the mix, but human exposure to some of them is measured in parts per million.

Laura Amos of Silt, Colo., blamed 2-BE in fracturing fluid for the rare tumor she developed after a well near her home blew out in 2001 during the fracturing process. State regulators fined the operator, EnCana Corp., \$99,400 because gas was found in Amos' water well. EnCana disputed their finding, though the company did not fight it.

But state regulators concluded that hydraulic fracturing was not to blame for the problems with Amos' water well. They suggested that if Amos had been exposed to 2-BE it may have come from household cleaning fluids, such as Windex, rather than her groundwater.

The case was essentially closed in 2006 when Amos accepted a reported multimillion-dollar settlement from EnCana, which also bought her family's property. Amos no longer discusses the matter publicly.

A 2004 EPA study found that fracturing posed "little or no threat" of groundwater contamination, except perhaps when diesel is used. But the agency never tested the water itself. Instead it relied on a survey of state regulators. Critics like Fox rejoin that it is hard to prove the absence of something without looking for it.

Jackson and his fellow researchers at Duke do not completely exonerate fracturing from problems, either. He said more research is needed into whether the intense pressure used to crack open shales, much higher than in conventional drilling, might be the cause of those leaky pipes allowing methane into well water.

And industry is criticizing the sample size of the study as too small to prove methane contamination. That could cast similar doubts on any conclusions about the safety of fracturing.

"It surprised me that there was so little systemic work on this," Jackson said. "We don't know much about the fracking."

OFFSHORE DRILLING: Shell, EPA near a deal on Arctic project (05/13/2011)

Gabriel Nelson, E&E reporter

U.S. EPA's top air pollution official said today that the agency is close to an agreement with Royal Dutch Shell PLC over an air permit for the oil giant's Arctic drilling project, which has faced years of setbacks.

Shell was planning to start drilling exploratory wells this summer until a ruling by EPA's Environmental Appeals Board sent the project's air permit back to federal regulators.

The company, which has spent more than \$3.5 billion over the past five years on leases and development, decided to wait another year. Yesterday, it unveiled its plan to start drilling as many as three wells in the Chukchi Sea in July 2012 (*see related story*).

Gina McCarthy, the head of EPA's Office of Air and Radiation, told members of the House Energy and Commerce Committee this morning that the agency isn't standing in the way. An agreement is close, she said, echoing optimistic statements earlier this week by Shell executives after a series of high-level meetings with officials from EPA and the White House.

"I believe that we are very close to a strong permit that will allow them to have actually three drilling operations going on in the Arctic in a way that is protective of public health and consistent with current law," McCarthy told the Energy and Power Subcommittee.

House Republicans are drafting a bill to let outer continental shelf projects skip the Environmental Appeals Board and clear up the questions that the review panel raised about Shell's project. At a time when Congress is fixated on rising gas prices, they argue that EPA -- and the rest of the Obama administration -- is stopping the development of domestic oil resources.

The legislation from Rep. Cory Gardner (R-Colo.) would spare companies from showing that their drilling projects wouldn't hurt air quality off the shoreline.

McCarthy criticized that proposal today, saying that sparing drilling fleets from the need to control their pollution could harm the health of boaters, fishermen and people on cruise ships. Environmental officials from California and Delaware agreed, telling lawmakers that the Gardner bill could hurt air quality if the federal government were to allow drilling projects in the federal waters of the Atlantic and Pacific.

At the moment, EPA is reviewing nine outer continental shelf permits. Energy and Commerce Chairman Fred Upton (R-Mich.) compared the review process to the overly complicated machines drawn by cartoonist Rube Goldberg.

"Because of this byzantine system of permits, reviews and appeals -- supposedly in the name of environmental stewardship -- we are continuing to import more oil from countries that don't like us, many of them with environmental standards much lower than our own," he said in a statement.

Rep. Henry Waxman of California, the committee's top Democrat, said he agrees that Shell's permitting process has gone on too long. He said he could agree on a bill to address Shell's concerns, but he and other Democrats don't want to weaken health protections.

"I refuse to believe that we can't address some of the specific problems Shell points to without creating much bigger problems elsewhere," he said.

NATURAL GAS: Voluntary wastewater rules aren't enough, EPA tells Pa. officials (05/13/2011)

Federal environmental officials stepped up pressure on Pennsylvania regulators yesterday to tighten wastewater disposal standards for natural gas drillers -- a move that irritated industry and state regulators alike.

The six biggest Marcellus Shale natural gas operators in the region have already promised to follow a voluntary call from Pennsylvania's top environmental regulator to stop sending their wastewater to 15 treatment plants by next Thursday.

A letter from U.S. EPA Regional Administrator Shawn Garvin to that regulator -- Secretary of the Pennsylvania Department of Environmental Protection Secretary Michael Krancer -- implied that the voluntary directive is not enough.

"While we appreciate PA DEP's effort to reduce oil and gas wastewater discharges to Pennsylvania's waters, we believe modifications to the prior wastewater disposal practices should be legally enforceable to the greatest extent possible," Garvin wrote.

The official also directed the six biggest operators to disclose how and where they recycle or dispose of drilling wastewater in the region.

Garvin's letter is the latest effort by federal regulators to play a hand in the state's oil and gas drilling.

In March, EPA pushed Pennsylvania to step up testing of rivers that receive treated gas-drilling wastewater, and last month it sent a unit to respond to a well blowout without alerting Krancer, whose teams of inspectors were already there.

"This sense, all of a sudden, that DEP is not competent, not on the job, not doing enough -- this seems to be a recent creature," Krancer said in an interview last month.

The federal actions appear to be a response to growing political pressure on Congress to regulate gas drilling and the hydraulic fracturing process (Andrew Maykuth, *Philadelphia Inquirer*, May 13). -- AS

MINING: Ky. coal company is sued for alleged water violations (05/13/2011)

Manuel Quinones, E&E reporter

Four environmental groups have sued a Kentucky coal mining company for thousands of alleged Clean Water Act violations.

The lawsuit accuses Nally and Hamilton Enterprises Inc. of failing to perform adequate water monitoring and repeatedly submitting inaccurate reports to state regulators. The suit says the company committed more than 12,000 violations of the federal pollution law.

"[The company] was so confident in its capacity to violate the law and get away with it that it actually fraudulently completed its monitoring reports," Robert F. Kennedy Jr., Waterkeeper Alliance president, said in a conference call in March, during which the alliance and its partner groups announced plans to file the lawsuit.

Joining Kennedy's group in the lawsuit are Appalachian Voices, Kentuckians for the Commonwealth and Kentucky Riverkeeper.

In a separate action, Kentucky's Energy and Environment Cabinet has filed an administrative complaint against Nally and Hamilton, alleging more than 4,000 pollution violations.

The company disagrees with the allegations in both the state's complaint and the lawsuit, according to a statement issued by a Nally and Hamilton attorney. The company blames contractor mistakes and state-issued guidance.

"We believe the facts will show the Company has prepared and submitted monitoring data reports consistent with the Cabinet's prior guidance," the statement says. "As to Discharge Monitoring Report transcription errors, the Company has previously provided the Cabinet and the environmentalist groups with the explanation as to how those computer entry mistakes were innocently made by the Laboratory Contractor."

A spokesman for the Energy and Environment Cabinet, responding to environmentalists' allegations of lax state oversight, said officials were auditing laboratories that provide water testing for mining companies. State lawmakers also passed legislation giving the Cabinet authority to certify the labs. He could not comment on the ongoing litigation.

Groups sometimes threaten lawsuits to force states into action, but in this case, Kentucky's complaint was not enough to appease environmentalists. Neither were the company's assurances.

"We concluded that it's still appropriate for us to proceed," Steve Fleischli, senior attorney with the Natural Resources Defense Council's water program, said in an interview. "The company is ultimately responsible to the information it submits to the state."

Fleischli said Clean Water Act compliance depends largely on self reporting by companies. Without accurate reporting, he said, watchdog groups and regulators can't tell monitor industry compliance.

"It's all based on the need for accurate reporting," Fleischli said. "So it's really a cornerstone of environmental protection."

WATER POLLUTION: Calif. to require permits for some fireworks displays (05/13/2011)

California water regulators will now require water pollution permits for fireworks displays over water in southern Orange County and San Diego County.

The rule approved Wednesday by the San Diego Regional Water Quality Control Board is the first of its kind to charge fireworks operators annual fees as well as require them to minimize pollutant discharge and clean up after displays. The regulation treats fireworks as a pollution source under the federal Clean Water Act.

Officials said the rule is set to take effect in June and will apply to fireworks along the coastline and over rivers, streams, reservoirs and lakes. The policy is meant to protect water bodies from pollution caused by the debris scatter and chemical contamination that often results from pyrotechnic displays.

"The new requirements balance the importance of public displays of fireworks as part of our national and community celebrations and the need to prevent degradation of water and sediment quality from the fallout of firework combustion residue," David Gibson, the water board's executive officer, said in a news release.

Environmental groups have petitioned for limitations on fireworks displays for some time, saying that the shows threaten wildlife and water quality.

Pyrotechnic operators said there is no environmental harm as long as the displays are only conducted once or twice a year (Tony Barboza, *Los Angeles Times*, May 13). -- PK

WATER POLLUTION: Settlement requires Massey to donate to conservation project (05/13/2011)

Massey Energy Co. will donate \$400,000 to a West Virginia University College of Law project as part of a settlement to a water pollution lawsuit filed last year by the Sierra Club.

Under the settlement, Massey's money will go to the West Virginia Land Trust, which will work with the law school on a project to protect and preserve land among streams. The deal also sets up compliance requirements and a series of automatic fines that Massey will have to pay for future violations, according to the legal documents.

A copy of the settlement was submitted Wednesday to U.S. District Judge John Copenhaver.

The Sierra Club and three other groups originally sued Massey last April, claiming that the company had racked up thousands of violations of Clean Water Act permit limits. The suit found that Massey had continued to violate the limits, despite a \$20 million pollution settlement with federal regulators.

The settlement comes just a few weeks before Massey is set to be bought out by Alpha Natural Resources (Ken Ward Jr., *Charleston [W.Va.] Gazette*, May 12). -- JP

ENVIRONMENTAL CRIME: Bill to toughen Clean Water Act penalties back on docket (05/16/2011)

John McArdle, E&E reporter

The third time might be the charm to move a bill through the Senate Judiciary Committee aimed at giving more bite to the Clean Water Act.

A panel markup on the bill during regular weekly business meetings has been twice postponed, most recently because President Obama had scheduled a meeting with Republican senators at the White House last Thursday that forced an early ending to the Judiciary meeting.

Introduced by Judiciary Chairman Patrick Leahy (D-Vt.) in the wake of the Deepwater Horizon oil rig explosion last year, the "Environmental Crimes Enforcement Act" (ECEA) is intended to make criminal penalties for Clean Water Act violations more severe by asking the U.S. Sentencing Commission to raise sentencing guidelines for environmental crimes. The bill would also make restitution mandatory for criminal violations of the Clean Water Act.

The act "would ensure that those who commit crimes, like those that likely contributed to the horrendous Gulf oil spill last year, are held accountable and that victims of those crimes are compensated," Leahy said last week in his opening statement before laying aside consideration of the bill.

Leahy's bill was passed by voice vote out the Judiciary Committee last year but never saw action on the Senate floor.

Though no Republicans opposed the bill in committee last Congress, one Republican aide said recently there may be some concerns with the legislation around Capitol Hill this time. For instance, the aide said it is not entirely clear that an already complicated federal code does not already provide sufficient penalties for environmental wrongdoers and avenues to pursue liability claims. Meanwhile, mandating restitution for a crime is not only complicated but also a step that is not taken lightly in legal circles.

When Leahy originally passed the legislation through committee last Congress he did so only after working with Sen. Jeff Sessions (R-Ala.) to clarify the language of the bill to ensure the restitution provision could not be more broadly interpreted.

But even if Leahy is successful at moving his bill through committee again this week, he still has a way to go for it to become law. Leahy has just seven Senate co-sponsors for his measure, none of whom are Republicans. And no companion legislation has yet been proposed in the House. A spokeswoman

for Leahy said the senator is focused on building momentum for his bill by first successfully moving it through the Senate.

Schedule: The markup is Thursday, May 19, at 10 a.m. in 226 Dirksen.

OIL AND GAS: Bingaman pushes drilling measures after Obama calls for increased development (05/16/2011)

Katie Howell, E&E reporter

The Senate Energy and Natural Resources panel meets tomorrow to discuss a number of measures related to oil and gas drilling, including the new oil spill-response legislation Chairman Jeff Bingaman (D-N.M.) floated last week, as President Obama is pushing for increased domestic production.

The legislative hearing comes as Bingaman is pushing to clear a number of measures through the committee before the Senate breaks for its Memorial Day recess at the end of the month and just days after Obama announced a new strategy for ramping up oil development in the Arctic and Gulf of Mexico.

During his weekly radio address Saturday, Obama laid out a new plan to conduct annual lease sales in Alaska's National Petroleum Reserve while protecting some fragile areas, to speed up evaluation of oil and gas resources in the mid- and south-Atlantic Ocean and to create new incentives for industry to develop idle leases both onshore and off. The president also said he would extend the terms of drilling leases that were affected by the administration's moratorium on deepwater drilling last summer in the wake of the BP PLC oil spill. And he is setting up a new interagency working group to ensure Arctic projects meet health, safety and environmental standards.

Obama's efforts come as members of both parties are looking to score political points with voters concerned about soaring gasoline prices. House Republicans, who last week passed three new offshore drilling bills, have attempted to place blame for the high prices on Democrats, bashing them for stalling oil and gas development and failing to adopt policies that would encourage domestic oil and gas production. House Democrats last week floated a new energy package that included some of the same policies as Obama's new strategy, including the plan to hold lease sales in Alaska's petroleum reserve and to urge oil companies to speed up drilling on leases they already own.

"Without a doubt, one of the biggest burdens over the last few months has been the price of gasoline," Obama said during his radio address. "These spikes in gas prices are often temporary, and while there are no quick fixes to the problem, there are a few steps we should take that make good sense."

"We should increase safe and responsible oil production here at home," he added. "Last year, America's oil production reached its highest level since 2003. But I believe that we should expand oil production in America -- even as we increase safety and environmental standards."

Many of Obama's new strategies will be discussed legislatively at tomorrow's hearing, such as [S. 516](#), a measure from Sen. Kay Bailey Hutchison (R-Texas) that would extend lease terms for operators affected by last summer's oil spill-induced moratorium. Obama's proposals could also mirror language from Sen. Mark Begich (D-Alaska) that the panel will hear testimony on tomorrow. That measure, [S. 843](#), would set up an Arctic drilling coordinator -- modeled after the federal pipeline coordinator -- to process lease and drilling permit applications for projects in Alaskan waters.

But Bingaman's two measures -- [S. 917](#), the spill-response measure, and [S. 916](#) that would phase out the Interior Department's royalty relief program and boost support for an Alaska natural gas pipeline, among other items -- may draw the most attention at tomorrow's hearing. The spill-response legislation is identical to the measure the committee passed unanimously last year. But debate in the full Senate stalled, and now, more than a year after BP PLC's massive oil spill in the Gulf of Mexico, Congress has yet to pass a legislative response to the disaster.

Bingaman's spill-response bill would codify organizational changes at Interior, increase safety requirements for drilling wells, establish new research programs, launch an independent advisory board for the department, create a fee for inspections, increase penalties on bad offshore operators and lengthen the time for department reviews before deciding on exploration plans.

But last year, the committee's ranking Republican, Lisa Murkowski of Alaska, helped Bingaman push the measure through the committee, and so far this year she has refused to sign on to the bill, although she says she is still in discussions with Bingaman about the issue.

Bingaman's other measure, S. 916, would phase out Interior's royalty-waiver program that lets some oil companies reduce or eliminate their royalty payments on federal drilling leases until they have recouped their investments and would boost support for a long-delayed pipeline to carry Alaskan natural gas to the lower 48 states. It also calls for a detailed inventory of the petroleum resources under the Atlantic Ocean, eastern Gulf of Mexico and Arctic waters. And in language similar to Begich's bill, it would establish a new permitting office to handle drilling applications off the coast of Alaska.

The chairman has acknowledged the possibility for controversy.

"There is no disagreement in the Senate about the need to have robust and responsible domestic production of oil and gas," he said on the Senate floor last week. "At the same time, there is probably considerable disagreement about how best to address that issue. We need to begin work on that. However, ensuring the safety and viability of our operations on the outer continental shelf is a separate matter that deserves attention on its own" (*E&ENews PM*, May 10).

Louisiana Democrat Mary Landrieu, a member of the Energy Committee, could raise concerns about Bingaman's royalty relief language. She told reporters last week that she would rather see the money go to coastal states than federal coffers.

"I have supported different versions of royalty reform for some time, because I think that not only coastal states should see a portion of the royalties, but there might be a way to structure royalties so that it is even better for the taxpayer and for the companies, but I don't really think anything is going to pass without the revenue-sharing provision," Landrieu said.

Hutchison's bill, which has the support of Murkowski, Landrieu and a handful of Gulf State Republicans, would extend for one year those leases that were idle at the time of the Deepwater Horizon blowout or those that were affected by the Obama administration's moratorium on deepwater drilling. A group of Republicans have introduced a companion measure in the House.

And Begich's bill would attempt to streamline Alaska's offshore oil and gas development by giving the office the authority to work across a number of federal agencies, including the Interior Department, U.S. EPA and the Army Corps of Engineers.

Alaska oil and gas development advocates have blasted federal regulators for delaying approval of a Royal Dutch Shell PLC proposal to drill in the Beaufort Sea.

"I can best describe the situation as regulatory 'whack a mole' for developers in Alaska," Begich said in a statement when he introduced the bill. "Each time we have one mole beat down, another one pops up and derails the progress. But this isn't a game. It's about the future of Alaska and the energy security of our country."

Schedule: The hearing is tomorrow, May 17, at 10 a.m. in 366 Dirksen.

Witnesses: TBA.

ClimateWire

1. MARKETS:
Foundations try to legitimize India's 'invisible environmentalists'

Sarasa Satish is a waste picker. Every morning, she starts promptly at 8:30 a.m. going door to door, collecting throwaway materials from houses in the Rajendra Nagar slums of Bangalore, India. A typical workday ends with her sorting out the recyclable material once she's dumped the rejects, or non-recyclable waste. A few years ago, she would most likely have done that in a cramped alleyway. But now she segregates the remaining plastics, paper and compostable material in a small neighborhood center built by CHF International, a humanitarian aid organization once called the Cooperative Housing Foundation. [Go to story #1](#)

2. NUCLEAR:
Fukushima disaster deepens U.S. turmoil over nuclear waste storage

Japan's nuclear disaster and the abandoned Yucca Mountain repository are combining to create a more complex puzzle for U.S. policymakers wrestling with the future of nuclear power in the United States. On Friday, a Blue Ribbon Commission of experts appointed by the Obama administration presented subcommittee reports calling for the "expedited" creation of one or more consolidated interim sites for storing spent fuel from commercial U.S. reactors. More than 70,000 tons of spent fuel with varying levels of remaining radioactivity are currently in "wet" or "dry" storage at the reactor sites, with nowhere else to go. [Go to story #2](#)

3. POLICY:
U.N. prepares a 10-year program to tackle climate change and clean up the environment

4. RENEWABLES:
Cape Wind hits financial roadblock

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World Bank prepares to support a coal plant in India through intermediary

6. LEGISLATION:
Flood insurance reform effort gives a tacit nod to climate change

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Spain, searching for budget savings, probes and suspends some solar subsidies

8. AUSTRALIA:
Warmer, drier climate begins to change Western Australia

9. GERMANY:
Ending nuclear power is possible in a decade, using renewable energy -- report

10. NATURAL GAS:
Texas 'fracking' bill is a huge step but still favors industry, say environmentalists

11. SOLAR:
GM begins building solar field at Detroit plant
E&ETV's OnPoint

12. RENEWABLES:
Environmental Law and Policy Center's Learner says Midwest expanding solar, wind production

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